

March 30, 2011

VIA 2-DAY DELIVERY

Ms. Jocelyn G. Boyd, Chief Clerk/Administrator
South Carolina Public Service Commission
Synergy Business Park
Saluda Building
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: DeltaCom, Inc. – Notification of Name Change - Addition of Service Mark

Dear Ms. Boyd:

DeltaCom, Inc. (the “Company”), an authorized telecommunications carrier in South Carolina¹, hereby respectfully petitions the South Carolina Public Service Commission (“Commission”) to approve its adoption of a service mark for use in South Carolina. The Company requests to do business under the service mark “EarthLink Business”.

As the Commission is aware, EarthLink, Inc. recently acquired ITC^DeltaCom, Inc. (and, indirectly, DeltaCom, Inc.). In order to better integrate the operations of the Company and to avoid customer confusion, the Company has adopted service mark “EarthLink Business”. The adoption of this service mark by the Company will also enhance its ability to market its services, thereby benefiting consumers in South Carolina.

A copy of the authorization from the Secretary of State for the Company to use the approved service mark is appended hereto as *Exhibit A*.

Regarding customer notice, customers of the Company will have received written notice of the service mark through a bill message. A copy of the notification is attached as *Exhibit B*. To the extent that any customers have questions about the service mark appearing on their bills, the Company will respond to such inquiries individually.

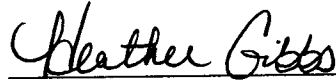
Upon Commission approval, the Company will file its tariff revisions reflecting the Company’s service mark.

Enclosed please find a duplicate of this filing, one (1) copy and a self-addressed, postage-paid envelope. Please date-stamp the duplicate upon receipt and return it in the envelope provided. We trust this letter provides the information required in this matter. Should

¹ In South Carolina, the Company is authorized to provide telecommunications services pursuant to Docket No. 95-1208-C issued February 22, 1996, and Docket No. 96-314-C issued January 23, 1997.

the Commission have any questions or believe that any further information is required, please contact Heather Gibbs at 256-382-3943.

Respectfully submitted,

A handwritten signature in cursive script that reads "Heather Gibbs". The signature is written in black ink and is positioned above a horizontal line.

Heather Gibbs
Regulatory Manager
DELTACOM, INC.
7037 Old Madison Pike, Suite 400
Huntsville, AL 35806

Enclosures

cc: C. Dukes Scott, Executive Director Office of Regulatory Staff

Exhibit A

Secretary of State

CORPORATION SERVICE COMPANY

www.cscglobal.com

CSC- Springfield

801 Adlai Stevenson Drive
Springfield, IL 62703
217-544-5900
217-492-2727 (Fax)

Matter# Not Provided
Project Id :

Order# 692169-5
Order Date 03/01/2011

Entity Name: EARTHLINK BUSINESS
Jurisdiction: SC - Secretary of State
Request for: Fictitious or Assumed Name Filing
File Date: 03/18/2011
Result: Filed

Ordered by JEAN HOUCK - SENIOR MGR at DELTACOM, INC.

Thank you for using CSC. For real-time 24 hour access to the status of any order placed with CSC, access our website at www.cscglobal.com.

If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Amy Gudgel
agudgel@cscinfo.com

The responsibility for verification of the files and determination of the information therein lies with the filing officer; we accept no liability for errors or omissions.

The State of South Carolina

**TRADEMARK
REGISTRATION**



**SERVICE MARK
REGISTRATION**

Office of Secretary of State Mark Hammond

I, Mark Hammond, Secretary of State, hereby certify that the following mark has been registered in this state according to the provisions of the South Carolina Code of Laws Section 39-15-1105 et seq. to:

DeltaCom, Inc.
7037 Old Madison Pike
Huntsville, AL 35806-

 **EarthLink**
BUSINESS

Date of First Use in South Carolina: 1/2/2011
Class of Goods or Services: Service mark #4

Registration Date: 3/18/2011
If an Entity, Organized under the Laws of Alabama

Description: The mark consists of the words "Earthlink Business" with a globe being orbited to the left.

Date of First Use: 1/2/2011

Description of Goods or Services: Communication services (voice, audio, visual images, mobile/wireless services, Internet/data services; e-mail, VoIP, web conferencing).

Expiration Date: 3/18/2016

**Given under my hand and Great Seal of the
State of South Carolina on March 18, 2011**


Mark Hammond, Secretary of State

FILED

STATE OF SOUTH CAROLINA

MAR 18 2011

APPLICATION FOR REGISTRATION
OF A TRADEMARK OR SERVICE MARK

Mark Hammond
SECRETARY OF STATE

Original: \$15 per mark, per class
Renewal: \$5
Assignment: \$3

Check one:
☐ Trademark or ☒ Service Mark

1. Name of Applicant: DeltaCom, Inc.
2. Applicant's principal place of business address: 7037 Old Madison Pike, Huntsville, Alabama 35806
3. Applicant's place of business address in South Carolina, if any: 1053 Keys Dr. Greenville, SC 29615
2000 Center Point Dr. Ste. 2300 Columbia, SC 29210; 4401 Belle Oaks Dr. Ste. 410 N. Charleston, SC 29418
4. Applicant is:
☐ an individual or sole proprietor
☒ a corporation duly organized under the laws of the State of Alabama
☐ a partnership duly organized under the laws of the State of _____
Names of General Partners: _____
☐ a Limited Liability Company duly organized under the laws of the State of _____
☐ other _____
5. Describe the mark, including any literal and/or design elements if claimed: The mark consists of the words
EARTHLINK BUSINESS with a globe being orbited to the left.
6. The actual goods or services in connection with which the mark is used (i.e., shoe laces, cat food, heating repair services, baby-sitting services, etc.): communications services (voice, audio, visual images,
mobile/wireless services, Internet/data services; e-mail/voicemail, VoIP, web conferencing)
7. The mode or manner in which the mark is used (i.e., labels, advertisements, brochures, etc.): _____
labels, advertisements, sales brochures, tariffs, business cards, company letterhead
8. The class(es) in which the goods or services fall (see attached): communication

9. The mark, with respect to the goods or services identified above, was first used by applicant or predecessor in interest as follows (include month, day, and year):

Date of first use anywhere: January 2, 2011 Date of first use in South Carolina: January 2, 2011

10. Has the applicant, or any predecessor in interest, ever filed an application to register the mark or portions of the mark or a composite of the mark with the United States Patent and Trademark Office?

☒ YES ☐ NO

If you answered "YES", please provide the full particulars including the filing date, serial number and status of each application. If an application was finally refused registration or has otherwise not resulted in registration, please state the reason for this:

1/12/11; 85215731; Live (filed by DeltaCom's parent company, EarthLink, Inc.)

1/12/11; 85215722; Live (filed by DeltaCom's parent company, EarthLink, Inc.)

11. Please enclose three (3) original, identical specimens showing the mark as actually used.

DECLARATION OF OWNERSHIP

Applicant herewith declares that he/she has read the above and foregoing application and knows the contents thereof and that the facts set out herein are true and correct, that the three specimens of the mark submitted are true and correct, that the applicant is the owner of the mark, and that the mark is in use. Additionally, to knowledge of the person verifying this application, no other person has registered this mark either federally or in this State, or has the right to use this mark in its identical form or in near resemblance as to be likely, when applied to the goods or services of another person, to cause confusion or to cause mistake or to deceive.

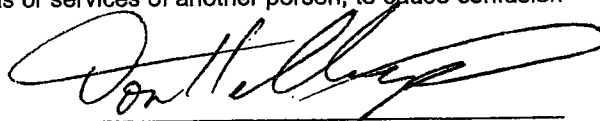
Sworn to and subscribed before me

this 8th day of March, 2011.

Vickie Shaw
Notary Public of South Carolina Alabama

My Commission Expires: 12-4-13

**VICKIE SHAW
NOTARY PUBLIC
STATE OF ALABAMA
MY COMMISSION EXPIRES: 12/04/13**



Signature

Don Hellwege

Name

Vice President, Assistant General Counsel

Title

256-382-3861

Telephone Number

March 8, 2011

Date

NOTE

THE ACCEPTANCE OF A TRADEMARK OR SERVICE MARK FOR REGISTRATION BY THE OFFICE OF THE SECRETARY OF STATE PROVIDES THE OWNER WITH A RIGHT TO USE SUCH MARK IN THE STATE OF SOUTH CAROLINA ON THE GOODS AND SERVICES IDENTIFIED IN THE REGISTRATION APPLICATION. HOWEVER, THE OFFICE OF THE SECRETARY OF STATE DOES NOT SEARCH OTHER STATE OR FEDERAL REGISTRATIONS, INTERNET DOMAIN NAMES OR OTHER COMMON LAW (UNREGISTERED) USERS, THEREFORE, RIGHTS GRANTED BY THIS REGISTRATION MAY BE AFFECTED OR PREEMPTED BY PRIOR USE OR OTHER REGISTRATION OF THE MARK.

Yaniv, Data, Internet Services for Business | Deltacom - Windows Internet Explorer

http://www.deltacom.com/index.html

File Edit View Favorites Tools Help

☆ ☆ Voice, Data, Internet Services for Business | Deltacom

100%

9:10 AM Monday

deltacom
Accountable Business Solutions

Solutions Equipment Agents & Partners About Us My Account

Careers Case Studies Investors Customer Service Center Agent Login

Deltacom

is becoming

EarthLink

BUSINESS™

[Learn More](#)

My Account Login

[Deltaview](#)

[Secure Login](#)

[Web Hosting](#)

[Online Faxing](#)

[Access My Email](#)

Contact Us

[Chat Now](#)

[Email Us](#)

[Services: 1.888.238.3000](#)

[Sales: 1.877.238.4200](#)

Welcome to the Deltacom Business Solutions Center

Select your business type to get started.

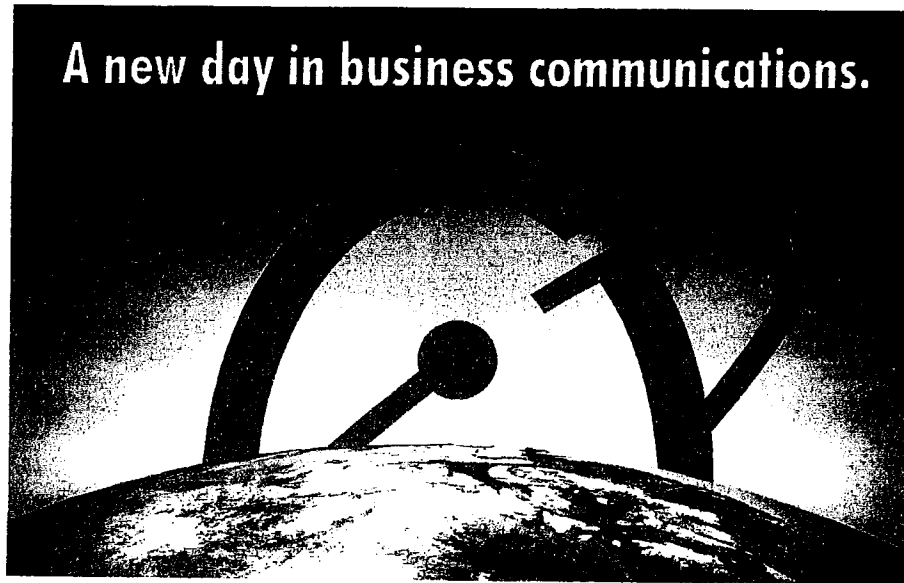
Small Business
Cost-effective solutions for smaller businesses.
[Get Started](#)

Medium Business
Scalable solutions perfect for growing single or multi-site businesses.
[Get Started](#)

Enterprise Solutions
Networking and communications solutions for enterprise, government or university customers.

Carrier/Wholesale
Facilities-based solutions for inter-exchange carriers, wireless carriers, CLECs, LECs, ISPs, ESPs and wireless.

A new day in business communications.



Introducing EarthLink Business™

EarthLink companies New Edge Networks and Deltacom have come together as EarthLink Business to change the landscape of business communications. EarthLink Business offers the best of both worlds – expansive network coverage and state-of-the-art IP infrastructure combined with personalized care and a custom approach. EarthLink Business provides a comprehensive suite of nationwide IP network solutions, managed services and regional voice supported by an experienced team of professionals focused on best-in-class customer care.



EarthLink
BUSINESS™

deltacom

For more information, call or visit

1-855-356-5249

www.earthlinkbusiness.com/anewday

Exhibit B

Customer Notice

EarthLink joined forces with
Deltacom to create EarthLink
Business [™] , one of the
nation's largest business-to-
business providers of IP
services, integrated voice and
data communications and
equipment solutions. To learn
more, visit
earthlinkbusiness.com or
contact Customer Care at
1-800-239-3000.